

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:22-cr-00045-SI-11

v.

**OPINION AND ORDER**

JAQUELINE PAOLA RODRIGUEZ  
BARRIENTOS,

Defendant.

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**BECKERMAN, U.S. Magistrate Judge.**

The Court held a release hearing in this matter on August 25, 2022, and took Ms. Barrientos' request for release under advisement in order to review additional materials and provide U.S. Pretrial Services additional time to investigate Ms. Barrientos' proposed residence. The Court has now reviewed the additional materials, and U.S. Pretrial Services has approved the proposed residence.

The Court finds that it was appropriate to reopen the release hearing because Ms. Barrientos' counsel became aware of information not known at the time of the earlier release hearing that has a material bearing on the issue of release. *See* 18 U.S.C. § 3142(f)(2)(B) ("The hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant

at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the appearance of such person as required and the safety of any other person and the community.”).

Specifically, the United States has charged Ms. Barrientos with conspiracy to launder drug proceeds in violation of 18 U.S.C. § 1956(h). Defense counsel has now had an opportunity to review discovery, and represented at the hearing that there is no evidence in the discovery reviewed to date that Ms. Barrientos was involved in her co-defendants’ drug trafficking, nor any direct evidence that she had knowledge that the funds she allegedly laundered were drug trafficking proceeds. The government did not identify any such evidence at the hearing. Although it is premature to evaluate the merits of Ms. Barrientos’ proffered defense, the Court finds that this new information has a material bearing on the Court’s evaluation of the statutory release factors under 18 U.S.C. § 3142(g). Specifically, the lack of any evidence of Ms. Barrientos’ involvement in or knowledge of her co-defendants’ drug trafficking is relevant to the weight of the evidence against Ms. Barrientos and the nature and seriousness of the danger to the community posed by her release.

At the release hearing, the government sought continued pretrial detention on the grounds that no condition or combination of conditions will reasonably assure the appearance of Ms. Barrientos or the safety of any other person and the community. However, Ms. Barrientos is not charged with an offense enumerated in 18 U.S.C. § 3142(f)(1). *See Op. & Order, United States v. Gunn* (attached hereto). Accordingly, the government may request pretrial detention only on the grounds included in 18 U.S.C. § 3142(f)(2), i.e., a serious risk that Ms. Barrientos will flee (or a serious risk that she will obstruct justice or intimidate witnesses, which the government does not

allege here). The government argued at the release hearing that Ms. Barrientos presents a serious risk of flight.

Having considered the U.S. Pretrial Services report, as well as the parties' written submissions and oral presentations, the Court concludes that Ms. Barrientos does not present a serious risk of flight. In support, the Court notes that Ms. Barrientos did not enter the United States illegally, she has a minor daughter who is a U.S. citizen and enrolled in a local school, she is a former business owner with strong ties to the local community, she is forty-two years old and has no prior criminal history, she has no history of substance abuse or mental health issues, she will live in an approved family residence with her minor daughter, and she is facing potentially serious medical issues that would deter relocation. Further, her counsel has presented evidence in support of a viable defense, which should decrease any motivation to flee.

The Court will sign a release order after conferring with U.S. Pretrial Services about appropriate conditions of release, and will release Ms. Barrientos from custody on Monday, August 29, 2022.

DATED this 26th day of August, 2022.



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HON. STACIE F. BECKERMAN  
United States Magistrate Judge